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8           UNITED STATES DISTRICT COURT  
9           WESTERN DISTRICT OF WASHINGTON  
10           AT TACOMA  
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12           DAVID DOUGLAS MOELLER,  
13           Petitioner,

14           v.  
15           MARGARET GILBERT.

16           Respondent.

17           CASE NO. C13-5337 RJB-JRC

18           ORDER

19           The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
20           Richard Creatura (Dkt. 10) and the remaining record, does hereby find and ORDER:

- 21           1.       The Court adopts the Report and Recommendation;  
22           2.       Petitioner's application to proceed *in forma pauperis* is **DENIED** as moot  
23           because the filing fee has been paid.

24           DATED this 21<sup>st</sup> day of June, 2013.

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27           ROBERT J. BRYAN  
28           United States District Judge